

**IN THE UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

IN RE: WESTERN STATES	)	MDL DOCKET NO. 1566
WHOLESALE NATURAL GAS	)	
ANTITRUST LITIGATION.	)	Base Case File No.
	)	2:03-CV-S-1431-RCJ-PAL
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	)	
THIS DOCUMENT RELATES TO:	)	
	)	
<i>Heartland Regional Medical Center, et al.</i>	)	2:07-CV-00987-RCJ-PAL
<i>v. ONEOK, Inc., et al.</i>	)	
	)	
<i>Learjet, et al. v. ONEOK, et al.</i>	)	2:06-CV-00233-RCJ-PAL

**STIPULATION OF DISMISSAL WITH PREJUDICE AS TO  
DEFENDANT RELIANT ENERGY SERVICES, INC.**

Plaintiffs in the above-captioned cases have reached a settlement with defendant Reliant Energy Services Inc (“RES”). Plaintiffs advised the Court of the settlement’s principal terms and procedures in their June 28, 2018 Notice of Settlement and Status Report (ECF No. 3009), and the settlement was also announced on the record at the Court’s July 9, 2018 status conference.

As explained previously, this settlement was achieved in conjunction with the bankruptcy proceedings in *In re GenOn Energy, Inc.*, Case No. 1733695 (DRJ), pending in the United States Bankruptcy Court for the Southern District of Texas (the “Bankruptcy Court”). The settlement resolves not only all claims between the named plaintiffs and RES in the Bankruptcy Court, but also all claims between the named plaintiffs and RES in the above-captioned cases pending in this Court. The settlement is not a class settlement under Federal Rule of Civil Procedure 23, but is nevertheless structured to provide notice to putative class members of the opportunity to submit a claim to settlement proceeds. The settlement is in the best interest of putative class

members because the bankruptcy proceedings will discharge claims of putative plaintiffs who have not filed a proof of claim in the bankruptcy proceedings, the deadline for which has passed, but nonetheless provides settlement funds for any putative claimants who make a proper claim for a share of the RES settlement proceeds. Although notice of this dismissal is not required because the actions have not yet been certified as class actions under Fed. R. Civ. P. 23,<sup>1</sup> to avoid any possible prejudice to putative class members, plaintiffs will provide putative class members with notice of the settlement and the opportunity to submit a claim to receive settlement proceeds.

The Bankruptcy Court's settlement approval order, which incorporates the parties' settlement agreement, is attached hereto as Exhibit A. In addition, the declaration of Mark Fellows (Dahl Administration), which outlines the court-approved plan for notifying potential claimants of the settlement and the opportunity to submit claims, is attached as Exhibit B.

In light of the Bankruptcy Court's review and approval of the settlement, plaintiffs Learjet Inc. and Topeka Unified School District 501 (the "Kansas Plaintiffs"), and plaintiffs Heartland Regional Medical Center, Prime Tanning Corp., and Northwest Missouri State University (the "Missouri Plaintiffs"), hereby dismiss with prejudice the above-captioned actions against RES under Fed. R. Civ. P. 41(a)(1)(A)(ii). The parties are to bear their own costs.

This dismissal does not affect in any way the Kansas Plaintiffs' or the Missouri Plaintiffs' claims against any other defendants remaining in these actions.

DATED this 13th day of August, 2018.

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<sup>1</sup> See Fed. R. Civ. P. 23(e).

Respectfully submitted,

/s/ Andrew J. Ennis

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**IT IS SO ORDERED**

  
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U.S. DISTRICT JUDGE

DATED: 09-05-2018

**CERTIFICATE OF SERVICE**

I hereby certify that on the 13th day of August 2018, a true and correct copy of the foregoing was electronically served on counsel for all parties properly registered to receive notice via the Court's CM/ECF system.

/s/ Andrew J. Ennis